THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30037 of 1995

ORAL ORDER:

This writ petition is filed seeking to quash the Award passed by the first respondent-Tribunal in I.D.No.67 of 1989 dated 30.9.1994.

The petitioner is a workman. It appears, he joined the service of second respondent-Grameena Bank as a Clerk-cum-Cashier with effect from 1.3.1977. Further, he was promoted as Field Assistant in the year 1979. While so, he was removed from the services of the Bank by order dated 19.10.1985. Aggrieved by the same, petitioner raised a dispute under Section 2A(2) of the Industrial Disputes Act, 1947. It is the case of the petitioner that while he was working at Narayanpur branch, he was issued with a charge sheet dated 18.6.1982 alleging that while he was working as Field Assistant, he was entrusted with the duties of Branch Manager at Narayanpur and he has committed certain irregularities. According to the petitioner, he had worked only for 10 days as Incharge Branch Manager. The petitioner submitted detailed explanation to the charge sheet on 27.7.1982. However, the said explanation was not considered properly and an enquiry was ordered. After conducting a detailed enquiry into the matter, petitioner's services were terminated with effect from 19.10.1985.

The second respondent-Bank filed counter denying the allegations made in the claim petition and asserted that the respondent Bank is regulated by the instructions given by the Central Government (Ministry of Finance), Reserve Bank of India and National Bank for Agriculture and Rural Development (NABARD), therefore, the petitioner has no right to invoke jurisdiction of the Industrial Tribunal-cum-Labour Court under Section 2A(2) of the I.D. Act. Further, enquiry was conducted in a fair manner by giving full opportunity to the petitioner and thereafter the impugned order was passed, which cannot be said to be

either arbitrary, or disproportionate to the misconduct alleged against the petitioner.

After considering both oral and documentary evidence, the Tribunal came to the conclusion, which reads as under:

> "To summing up the whole evidence on record both factual, circumstantial and legal, it should be held that the petitioner has not committed such a serious or grievous misconduct which warrants punishment of removal from service. For the simple irregularities committed by him, he had already suffered from 1985 onwards till now without any employment after removal from service. Further, the services of the petitioner herein were commended by the higher officers of the respondent and there are absolutely no previous misconducts or misdeeds committed by the petitioner at any time. As such it is felt by this Court that it is just and necessary to take a lenient view under Section 11A of Industrial Disputes Act and to direct the respondents to reinstate the petitioner into service with continuity of service. For the minor irregularities committed by the petitioner, he should be deprived of payment of backwages and this punishment is more than sufficient, since he was removed in the year 1985. Hence this point is answered holding that the removal of the petitioner from service is not valid and directing the respondent to reinstate the petitioner into service with continuity of service, but without backwages".

Further, it is also noticed by the Tribunal that the regular Branch Manager gave a letter stating that those irregularities were occurred during his period and not during the period of petitioner who worked only for 10 days as Incharge Branch Manager.

As per the power vested in it, the Tribunal while exercising jurisdiction under Section 11A of the I.D. Act passed Award dated 30.9.1994 directing reinstatement of the petitioner with continuity of service, but without any backwages. I am of the opinion that the Tribunal below has not committed any error in passing the award and in the facts and circumstances of the case, the petitioner does not deserve any

further relief, as prayed. Therefore, the writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 7.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30037 of 1995

7.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30037 of 1995

Date: 7th November, 2006

Between:

P.Upender Reddy

.. Petitioner

And

The Industrial Tribunal-cum-Labour Court,
Warangal, rep. by its Presiding Officer & another.

.. Respondents